

BETWEEN: Public Prosecutor
Claimant

AND: Henry Taga
Defendant

Date of Plea: Tuesday 25th day of April, 2017 at 10:33 am

Before: Justice Tomson Andrew (Presiding Justice)
Justice Allan Boblang (Member)
Justice Harry Joshua (Member)

Island Court Clerk: Alida Tchivi

In the Presence of: Claimant– Public Prosecutor
Defendant– Henry Taga

JUDGMENT

Introduction:

The defendant Mr. Henry Taga is charged with one count of Abusive Language contrary to section 121 of the Penal Code Act Cap 135. At the first calling of the case, Mr. Taga pleaded guilty to the said charge.

Verdict:

The court had recorded a plea of guilty and having heard and considered the summary of the agreed facts presented by the prosecution; this Court hereby convicts the accused as charged under section 121 of the Penal Code Act Cap 135.

Sentence:

Having heard Miss Charley for the prosecution and having heard the accused, the Court considers the following as mitigating as well as aggravating factors:

- a. Mitigating factors.
 - The accused has pleaded guilty at the earliest opportunity;
 - The accused has been cooperative with the police since the day he was arrested;
 - The accused has no previous convictions in Vanuatu;
- b. Aggravating factors.



The Law:

The Penal Code Act Cap 135 – Section 121: *“Abusive or threatening language” reads: No person shall in a public place use threatening or abusive words, or threatening gestures, towards any other person or persons.*

Penalty: Imprisonment for 3 years.”

The Court is satisfied and hereby, makes the orders that:


1. Mr. Henry Taga to pay 1'500 vatu as Efate Island Court Fine and 1'000 vatu as Public Prosecution Cost;
2. All payment to be made directly to Vanuatu Government Cashier and payment due date is Tuesday 9th May, 2017 at 4:30pm in the noon;
3. In default of Orders 1 the defendant will be immediately arrested and brought before the Court.
4. The defendant reserves the right to appeal within 30 days of the date of these orders.

DATED at Port Vila this 25th day of April, 2017.

BY THE COURT




Justice Harry Joshua
(Member)



Justice Tomson Andrew
(Presiding Justice)





Justice Allan Boblang
(Member)